

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Notice of Public Comment Period regarding the
“Second Consent Decree” for the Old Connersville Landfill

The Department of Environmental Management herein gives notice of the lodging of the “Second Consent Decree” regarding the Old Connersville Landfill. The Department will accept comments until April 30, 2001.

The Old Connersville Landfill is located along Eastern Avenue, between State Road 121 and the Whitewater River in Connersville, Indiana, and is currently owned by the City of Connersville. The Old Connersville Landfill operated from approximately 1930 to 1972, and accepted domestic and industrial wastes.

The Second Consent Decree involves the Department’s settlement with 19 Settling Parties, including governmental entities and private companies, each of which is alleged to have sent hazardous substances to the Old Connersville Landfill. (The City of Connersville is not one of these Settling Parties, however, settlement discussions with the City are ongoing) The Settling Parties will pay \$1,140,000 into a trust fund dedicated to pay the Department’s past CERCLA response costs, to fund work immediately necessary to protect the Landfill, and to fund the Department’s continued monitoring of the Old Connersville Landfill.

In exchange, the Department covenants not to sue the Settling Parties for injunctive relief or for recovery of costs relating to the Department’s actions taken or to be taken at the Old City Landfill. The Settling Parties will also receive contribution protection pursuant to 42 USC § 9613(f)(2). However, the Second Consent Decree expressly excludes releasing the Settling Parties from criminal liability (if any exists) and excludes any release for natural resource damages.

The Second Consent Decree was lodged with the United States District Court on February 23, 2001, in Cause Number IPO1-0241 C - H/G. Parties wishing to review the terms of the Second Consent Decree may view a copy in the Clerk’s Office. Parties wishing to comment on the Second Consent Decree may do so by submitting written comments to the Deputy Attorney General on or before April 30, 2001, at the following address:

Deputy Attorney General
Timothy J. Junk

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